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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,535	02/05/2002	Tammy Wheat	P15317-PUIA	2769
7590 04/17/2006 Sidney L. Weatherford 6300 Legacy Drive, MS/EVW2-C-2 Plano, TX 75024			EXAMINER AGWUMEZIE, CHARLES C	
			ART UNIT 3621	PAPER NUMBER

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/068,535	<b>Applicant(s)</b> WHEAT, TAMMY	
	<b>Examiner</b> Charlie C. Agwumezie	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 26-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/18/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Status of claims

1. Claims 1-25 cancelled. Claims 26-47 have been added. Claims 26-48 are pending in this application per the response to office action filed by Applicant on February 24, 2006.

### *Response to Amendment*

2. Applicant's arguments with respect to claim 26-48 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 26-36, 37-47 and 48**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hose, WO 00/04730 in view of Petite et al U.S. Patent Application Publication No. 2002/0169643 A1.
4. As per **claim 26 and 37**, Hose discloses a method for utilizing a business to business (B2B) engine and real-time information exchange to manage reservations, the B2B engine being coupled to a telecommunications network and the internet the method comprising the steps of:

obtaining membership agreements and profiles with subscribers and businesses for managing the reservations (fig. 1 and 3; page 3, lines 5-10; pages 5, lines 1-10; page 7, lines 28- page 8, lines 1-10; page 8, lines 8-10);

Interconnecting the B2B engine with a business module, wherein the business module is in communication with a reservation application at a business member via the internet (figs. 1 and 4; page 7, lines 5-10; page 10, lines 1-15);

receiving a real-time inquiry in the B2B engine from a subscriber member, activating a client module couple to the subscriber member's mobile telecommunication device and the B2B engine, wherein the client module is capable of automatically updating the location of the mobile telecommunications device, the real-time inquiry initiating a reservation request (figs. 1 and 3; page 2, lines 30- page 3, lines 1-5; page 10, lines 1-5; page 13, lines 24-); and

responsive to the inquiry, the B2B engine in real-time:

signaling a Mobile Positioning Centoe (MPC) connected to the telecommunication networks to determine the current location of the mobile telecommunications device (figs. 1 and 3; pages 3, lines 5-20; page 8, lines 12-29); and

at the same time querying the business module for information regard the inquiry from the subscriber member (fig. 3; pages 6, lines 19-30);

sending a list of business members to the subscriber member's mobile telecommunications device according to the requirements of the inquiry and the current location of the subscriber member (fig. 3; page 5, lines 1-5; page 7, lines 28- page 8, lines 1-10; page 10, lines 1-7);

receiving a confirmation of one of the business member choices from the subscriber member (fig. 2 and 3 page 11, lines 5-25);

sending the confirmation via the internet to the reservation application at the chosen business member (page 11, lines 15-25).

What Hose does not explicitly teach is

automatically updating, by the B2B engine or the business module and displaying, the reservation information at the chosen business member until the arrival of the subscriber member.

Petite et al discloses

automatically updating, by the B2B engine or the business module and displaying, the reservation information at the chosen business member until the arrival of the subscriber member (see fig. 4; 0008; 0010; 0025).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Hose and incorporate a method in which, automatically updating, by the B2B engine or the business module and displaying, the reservation information at the chosen business member until the arrival of the subscriber member as taught by Petite et al in order to ensure that the reservation is ready before the arrival of the guest.

5. As per **claim 27 and 40**, Hose further discloses the method, wherein the business member is a restaurant, the subscriber member's phone is a mobile station

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(MS) and the business module is a restaurant module (page 3, lines 1-5; page 8, lines 30-page 9, lines 1-5).

6. As per **claim 28 and 41**, Hose further discloses the method, wherein the step of querying the restaurant module for information regarding the current location of the MS. Further comprises:

responsive to the B2B engine query, the restaurant module determining locations of restaurants near the current location of the MS that fit the requirements of the inquiry (figs. 1 and 3; pages 3, lines 5-20; page 8, lines 12-29; page 12, lines 15-33). Hose however did not explicitly teach accessing the reservation application at the restaurant to determine the current available seating at each restaurant. Hose did describes the method of analyzing and choosing the service provider that is sent to the subscriber along with the subscriber selection of the service provider according to the requirements specified by the subscriber, it would have been obvious to one of ordinary skill in the art that one of the numerous requirements could have been the availability of rooms or seats at the service provide.

7. As per **claim 29 and 42**, Hose further discloses the method, wherein the step d sending a list of business members to the subscriber member's MS further comprises comparing the available seating and wait times at each restaurant and sending the results of the comparison along with a list of the restaurants that most closely match parameters provided in the inquiry (fig. 3; page 11, lines 5-15).

8. As per **claim 30 and 43**, Hose failed to explicitly disclose the method, further comprising the step of the restaurant module entering a temporary reservation at each restaurant to hold the reservation via the restaurant application utilizing information from the subscriber's profile.

Petite et al discloses the method, further comprising the step of the restaurant module entering a temporary reservation at each restaurant to hold the reservation via the restaurant application utilizing information from the subscriber's profile (0004).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Hose and incorporate a method in which, the restaurant module entering a temporary reservation at each restaurant to hold the reservation via the restaurant application utilizing information from the subscriber's profile as taught by Petite et al in order to maximize revenue.

9. As per **claim 31 and 44**, Hose failed to explicitly disclose the method wherein the step of sending a confirmation to the reservation application at the chosen restaurant further comprises converting the temporary reservation into a confirmed reservation and sending the ETA of the subscriber member at the chosen restaurant.

Petite et al discloses the method wherein the step of sending a confirmation to the reservation application at the chosen restaurant further comprises converting the temporary reservation into a confirmed reservation and sending the ETA of the subscriber member at the chosen restaurant (0004).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Hose and incorporate a method in which, sending a confirmation to the reservation application at the chosen restaurant further comprises converting the temporary reservation into a confirmed reservation and sending the ETA of the subscriber member at the chosen restaurant as taught by Petite et al in order to show that the subscriber is guaranteed a space in the restaurant according to the subscriber specified requirement.

10. As per **claim 32**, Hose further discloses the method, wherein the step of obtaining memberships is attained by a reservation management entity (fig. 1).

11. As per **claim 33 and 45**, Hose further discloses the method, wherein the step of obtaining membership agreements with subscribers and restaurants for managing the reservations, further comprises the steps of

installing the subscribers module in each subscribers member's mobile station (MS) for communicating with the B2B engine and installing the reservation application for providing read/write access to a database in each restaurant member's computer system (fig. 3 and 4; page 8, lines 1-11).

12. As per **claim 34 and 46**, Hose failed to explicitly disclose the method, wherein the step of displaying the reservation information at the chosen restaurant further comprises:



receiving an estimated time of arrival (ETA) of the subscriber member from the restaurant module and posting the updated information to the restaurant display.

Petite et al discloses the method, wherein the step of displaying the reservation information at the chosen restaurant further comprises:

receiving an estimated time of arrival (ETA) of the subscriber member from the restaurant module and posting the updated information to the restaurant display (see fig. 4; 0008; 0010; 0025).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Hose and incorporate a method in which, receiving an estimated time of arrival (ETA) of the subscriber member from the restaurant module and posting the updated information to the restaurant display as taught by Petite et al in order to ensure that the space is ready before the time of arrival of the member.

13. As per **claim 35 and 47**, Hose further discloses the method, further comprising the steps of:

the reservation application sending an update request to the restaurant module, wherein the B2B engine, queries the MPC to provide the current location of the MS (figs. 1 and 3; pages 3, lines 5-20; page 8, lines 12-29).

What Hose does not explicitly disclose is

the restaurant module calculating the ETA of the subscriber member and updating the reservation information in the reservation application.

Petite et al discloses  
the restaurant module calculating the ETA of the subscriber member and  
updating the reservation information in the reservation application (fig. 4; 0004; 0008).

Accordingly it would have been obvious to one of ordinary skill in the art at time  
of applicant's invention to modify the method of Hose and incorporate a method in  
which, the restaurant module calculating the ETA of the subscriber member and  
updating the reservation information in the reservation application as taught by Petite et  
al in order to ensure that the space is ready before time of arrival of the member.

14. As per claim 36 and 48, Hose further discloses the method, wherein the  
business member is selected from the group consisting of a hotel, a beauty shop, a  
doctor's office, and a dentist's office (page 3, lines 1-5; page 8, lines 30-page 9, lines 1-  
5).

15. As per claim 38, Hose further discloses the system, further comprising a mobile  
positioning center for determining the location of each of the subscriber members (fig.  
1).

16. As per claim 39, Hose further discloses the system, further comprising a  
database, coupled with the B2B engine, for storing information received from a client  
logic module resident on the subscriber member's phone and the reservation  
application resident at the business member (fig. 1).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of

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the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlie C. L. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on **(571) 272 – 6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington D.C. 20231**

Or faxed to:

**(571) 273-8300**. [Official communications; including After Final communications labeled "Box AF"].

**(571) 273-8300**. [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"].

Hand delivered responses should be brought to the United States Patent and Trademark Office Customer Service Window:

Art Unit: 3621

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Charlie Lion Agwumezie

Patent Examiner

Art Unit 3621

April 10, 2006

*Charlie Lion Agwumezie*  
PRIMARY EXAMINER